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10/771,663	02/04/2004	Hiroaki Hosokawa	4041J-000837	3587

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EXAMINER

CIRIC, LJILJANA V

ART UNIT	PAPER NUMBER
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3744

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,663

Applicant(s)

HOSOKAWA, HIROAKI

Examiner

Ljiljana (Lil) V. Ciric

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2007 and 30 March 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 6, 8-10, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. This Office action is in response to the replies filed on March 30, 2007 and on January 15, 2007.
2. Claims 1 through 16 remain in the application, of which claims 1 through 10 are as amended (either directly or indirectly) while claims 11 through 16 are new.

Response to Arguments

3. Applicant's arguments with respect to the claims filed on January 15, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

4. Claims 3 through 5 and 7 hereby remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 30, 2006.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the refrigerant pipe being "more than one-half of the front side member in the engine compartment" as newly recited in claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be

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necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. Receipt and entry of the replacement abstract filed on January 15, 2007 is hereby acknowledged.

Claim Objections

7. Claims 15 and 16 are objected to because of the following informalities: "the outer all" [claim 15, line 3] should be replaced with "the outer wall" in order to correct a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. New claim 13 recites the refrigerant pipe as being "adjacent [sic] more than one-half of the front side member in the engine compartment", but there is nothing in the originally filed disclosure, including the drawings, to support these limitations, which thus appear to constitute new matter.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

New claim 13 recites the refrigerant pipe as being “adjacent [sic] more than one-half of the front side member in the engine compartment” but the limitations are not clear as written. Not only do a word or words appear to be missing from the limitations and rendering the same generally incomprehensible, but it is also not clear at all to which dimension(s) of the front side member the comparative language in the limitations refers, thus rendering indefinite the metes and bounds of protection sought by the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. As best can be understood in view of the indefiniteness of claim 13, claims 1 and 11 through 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibata et al.

Shibata et al. (especially Figure 3) discloses a vehicular refrigerant cycle system piping structure essentially as claimed, including, for example: an evaporator 75 disposed in a passenger compartment of a vehicle; a front side member 71 of a vehicle body; a refrigerant pipe (i.e., pipes 66, 68, 69) for circulating refrigerant between refrigerant cycle equipment (including a compressor 80 and a condenser 10) provided in the engine compartment 60 of a vehicle and the evaporator 75, the refrigerant pipe (i.e., pipes 66, 68, 69) being arranged adjacent the front side member 71 and attached thereto via clamp 70; and, engine 63. Engine 63 inherently has an engine mounting base, which inherent engine mounting base is inherently at least indirectly attached to both the front side member 71 and to the refrigerant pipe (i.e., pipes 66, 68, 69).

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The reference thus reads on the claims.

14. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. in view of Nitta.

As discussed in greater detail above, Shibata et al. discloses a vehicular refrigerant cycle system piping structure essentially as claimed, including, for example, a condenser 10 having header tanks 11 and 12 at opposite sides of the condenser 10 (along with each of a corresponding condenser header tank inlet and outlet also at opposite sides of the condenser) connected to the evaporator 75 via a refrigerant pipe including both a suction tube 77 and a liquid tube 69, where both of the suction tube 77 and the liquid tube 69 are arranged in engine compartment 60 but where only liquid tube 69 is arranged adjacent the front side member 71. Nevertheless, absent unexpected results, it is a matter of obvious design choice and suggested by Nitta to have both the inlet aperture 120 and the outlet aperture 115 of a vehicular air conditioning system condenser 100 disposed on the same side of the condenser 100. Thus, it would have been obvious to one skilled in the art at the time of invention to modify the vehicular refrigerant cycle system piping structure of Shibata et al. by replacing condenser 10 thereof with a condenser 100 having both an outlet aperture 115 and an inlet aperture 120 (along with both of the corresponding refrigerant suction tube and liquid tube refrigerant pipe) provided on the same side of the condenser 100 as taught by

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Nitta, and thus having both of the refrigerant suction tube and the refrigerant liquid tube both disposed on one side of the vehicle adjacent the front side member 71 within engine compartment 60 in order to minimize the amount of space necessitated by the refrigerant piping within engine compartment 60.

Allowable Subject Matter

17. Claims 6, 8 through 10, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a flexible work schedule but can normally be reached on most days during the work week between the hours of 10:30 a.m. and 6:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ljiljana (Lil) V. Ciric
Primary Examiner
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